

*Buchwald, J*

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

RALPH WHITLEY, Individually And On  
Behalf Of All Others Similarly Situated,

Plaintiff,

v.

BP P.L.C., ANTHONY HAYWARD, IAIN C.  
CONN, ROBERT W. DUDLEY, BYRON E.  
GROTE, ANDY G. INGLIS, CARL-HENRIC  
SVANBERG, PAUL M. ANDERSON,  
ANTONY BURGMANS, CYNTHIA B.  
CARROLL, SIR WILLIAM M. CASTELL,  
GEORGE DAVID, IAN DAVIS, DOUGLAS J.  
FLINT, DEANNE S. JULIUS, THE SAVINGS  
PLAN INVESTMENT OVERSIGHT  
COMMITTEE, RICHARD J. DORAZIL, and  
JOHN DOES 1-20,

Defendants.

No.: 10 C 4935

Judge Naomi Reice Buchwald

Magistrate Judge Gabriel W. Gorenstein

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: <u>8/20/10</u>
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**STIPULATION AND ORDER**

Plaintiff and the Defendants, through their respective counsel, subject to this Court's approval, agree and stipulate as follows:

RECITALS

WHEREAS, on June 24, 2010, Plaintiff commenced the above-captioned class action complaint in this District;

WHEREAS, other cases alleging similar claims under the Employee Retirement Income Security Act of 1974 have been filed in the United States District Court for the Northern District of Illinois (collectively, with the above-captioned action, the "ERISA Actions");

WHEREAS, the Plaintiff in the ERISA Action styled *Moule v. BP Corporation North America, Inc., et al.*, 10 C 3990 (N.D. Ill.), filed a motion for entry of [Proposed] Pretrial Order No. 1 consolidating the *Moule* action with the ERISA Actions in the Northern District of Illinois and appointing interim co-lead counsel and liaison counsel;

WHEREAS, the parties agreed to stay Plaintiff Moule's motion pending resolution by the Judicial Panel on Multi-District Litigation ("JPML") of the question whether the ERISA Actions will be transferred to the United States District Court for the Southern District of Texas for inclusion in MDL No. 2185 or to another federal district court, and the Court recorded a minute entry on August 11, 2010 approving that stay;

WHEREAS, the parties agree that it does not make sense for Defendants to respond to the existing complaint in the above-captioned action because that complaint will likely be superseded by the Consolidated Amended Complaint filed by the Lead Plaintiff ultimately selected in the ERISA Actions;

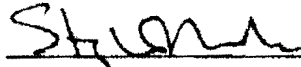
THEREFORE, IT IS STIPULATED AND AGREED:

1. Defendants need not answer, move to dismiss or otherwise respond to the Complaint in this action until after the JPML rules on whether to transfer the ERISA Actions to the United States District Court for the Southern District of Texas for inclusion in MDL No. 2185 or to another federal district court, and any motion(s) to consolidate the ERISA Actions are decided.
2. The parties agree that Defendants shall have 60 days to answer, move to dismiss or otherwise respond to the operative complaint in this action from the earlier of (1) the filing of a consolidated amended complaint by the lead plaintiff selected in the ERISA Actions, or (2) a

decision by this Court or any transferee court that this action will not be consolidated with the ERISA Actions.

AGREED:

Dated: August 16, 2010



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Antony Burgmans, Cynthia B.  
Carroll, Sir William M. Castell,  
George David, Ian Davis, Douglas J.  
Flint, Deanne S. Julius, The Savings  
Plan Investment Oversight  
Committee and Richard J. Dorazil*

IT IS SO ORDERED:

Naomi Reice Buchwald  
United States District Judge

decision by this Court or any transferee court that this action will not be consolidated with the ERISA Actions.


AGREED:

Dated: August 16, 2010

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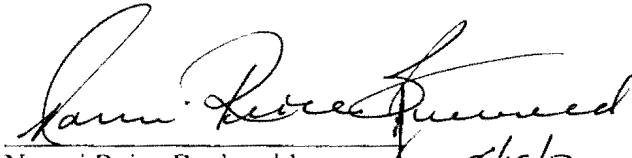


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IT IS SO ORDERED:



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Naomi Reice Buchwald  
United States District Judge

8/19/10